

**SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 25, 2005**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Nielsen, Sali. Total -- 2.

Total -- 70.

Prayer was offered by Representative Cannon.

The Pledge of Allegiance was led by Sarah Dexter, Page.

Approval of Journal

January 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 24, 2005

Mr. Speaker:

I transmit herewith **S 1025** which has passed the Senate.

WOOD, Secretary

S 1025 was filed for first reading.

Report of Standing Committees

January 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 30**, **H 31**, and **H 32**.

FIELD(18), Chairman

H 30 was referred to the Environment, Energy, and Technology Committee.

H 31 and **H 32** were referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 33
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL; AMENDING SECTION 22-4802, IDAHO CODE, TO ADD A DEFINITION OF "ECONOMICALLY VIABLE ALTERNATIVE."

**HOUSE BILL NO. 34
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE; AMENDING CHAPTER 2, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-238, IDAHO CODE, TO AUTHORIZE THE IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS SPECIFIED, TO GOVERN APPEALS, TO AUTHORIZE ADOPTION OF A FORMAL COMPLIANCE SCHEDULE AND TO PROVIDE DEPOSIT OF MONEYS COLLECTED.

**HOUSE BILL NO. 35
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL; AMENDING SECTION 22-4801, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS; AMENDING SECTION 22-4803, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING SPECIFIED COUNTIES; AMENDING SECTION 22-4803A, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS LODGED AGAINST PERSONS CONDUCTING BURNING IN THE STATE OF IDAHO; AND AMENDING SECTION 22-4804, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REQUIRE PERSONS REGISTERING A FIELD FOR AGRICULTURAL BURNING IN THE STATE OF IDAHO TO PAY A SPECIFIED FEE.

**HOUSE BILL NO. 36
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO COMMERCIAL FERTILIZERS; AMENDING CHAPTER 6, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-626, IDAHO CODE, TO PROHIBIT LOCAL REGULATION AND LEGISLATION RELATING TO FERTILIZERS, TO PROVIDE THAT LOCAL LEGISLATION RELATING TO FERTILIZERS IS VOID AND UNENFORCEABLE AND TO CLARIFY THAT SPECIFIED RESTRICTIONS SHALL NOT PREEMPT CERTAIN COUNTY OR CITY LOCAL ZONING ORDINANCES.

**HOUSE BILL NO. 37
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO SOIL AND PLANT AMENDMENTS; AMENDING CHAPTER 22, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2226, IDAHO CODE, TO PROHIBIT LOCAL REGULATION AND

LEGISLATION RELATING TO SOIL AND PLANT AMENDMENTS, TO PROVIDE THAT LOCAL LEGISLATION RELATING TO SOIL AND PLANT AMENDMENTS IS VOID AND UNENFORCEABLE AND TO CLARIFY THAT SPECIFIED RESTRICTIONS SHALL NOT PREEMPT CERTAIN COUNTY OR CITY LOCAL ZONING ORDINANCES.

HOUSE BILL NO. 38
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE PURE SEED LAW; AMENDING CHAPTER 4, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-413, IDAHO CODE, TO PROVIDE FOR STATEWIDE JURISDICTION AND PREEMPTION AND TO CLARIFY THAT SPECIFIED RESTRICTIONS SHALL NOT PREEMPT CERTAIN COUNTY OR CITY LOCAL ZONING ORDINANCES.

HOUSE BILL NO. 39
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO SEARCH AND RESCUE OPERATIONS; AMENDING SECTION 21-114, IDAHO CODE, TO PROVIDE THAT PILOT REGISTRATION FEES MAY ALSO BE USED FOR PILOT SAFETY PROGRAMS, TO PROVIDE THAT SEARCH AND RESCUE OPERATIONS SHALL BE COORDINATED BY THE CHIEF OF THE BUREAU OF HOMELAND SECURITY AND TO PROVIDE THAT AERIAL SEARCH OPERATIONS SHALL BE COORDINATED BY THE DIVISION OF AERONAUTICS UNDER THE IDAHO TRANSPORTATION DEPARTMENT; AND AMENDING SECTIONS 46-1006 AND 46-1009, IDAHO CODE, TO TRANSFER AUTHORITY FOR COORDINATION OF GENERAL SEARCH AND RESCUE OPERATIONS TO THE CHIEF OF THE BUREAU OF HOMELAND SECURITY AND TO CLARIFY THAT AERIAL SEARCH OPERATIONS SHALL BE COORDINATED BY THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS.

HOUSE BILL NO. 40
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO AERONAUTICS AND DEFINITIONS; AMENDING SECTION 21-101, IDAHO CODE, TO EXPAND THE DEFINITION OF "AIRPORT," TO REDEFINE "AIRPORT HAZARD" AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 21-106, IDAHO CODE, TO CHANGE TERMINOLOGY OF AIRPORT HAZARDS TO AVIATION HAZARDS AND OBSTRUCTION TO HAZARD AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 21-501, IDAHO CODE, TO REDEFINE "AIRPORT" AND "AIRPORT HAZARD," TO CHANGE TERMINOLOGY OF AIRPORT HAZARD AREA TO AVIATION HAZARD AREA AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 21-502, IDAHO CODE, TO CHANGE TERMINOLOGY OF AIRPORT HAZARDS TO AVIATION HAZARDS; AMENDING SECTION 21-503,

IDAHO CODE, TO CHANGE TERMINOLOGY OF AIRPORT HAZARDS TO AVIATION HAZARDS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 21-504, IDAHO CODE, TO CHANGE TERMINOLOGY OF AIRPORT HAZARDS TO AVIATION HAZARDS; AMENDING SECTIONS 21-505, 21-505A AND 21-506, IDAHO CODE, TO CHANGE TERMINOLOGY OF AIRPORT HAZARDS TO AVIATION HAZARDS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 21-515, IDAHO CODE, TO CHANGE TERMINOLOGY OF OBSTRUCTIONS TO HAZARDS AND TO REDEFINE "STRUCTURE"; AMENDING SECTION 21-516, IDAHO CODE, TO CHANGE TERMINOLOGY OF OBSTRUCTIONS TO HAZARDS; AMENDING SECTION 21-517, IDAHO CODE, TO CHANGE TERMINOLOGY OF OBSTRUCTIONS TO HAZARDS AND TO MAKE TECHNICAL CHANGES; AND AMENDING SECTION 21-701, IDAHO CODE, TO DEFINE "AIRPORT," TO DELETE THE DEFINITION OF "LANDING AREA" AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 41
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PHYSICIANS; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1841, IDAHO CODE, TO PROVIDE A VOLUNTEER'S LICENSE, TO SPECIFY QUALIFICATIONS, TO SET FORTH APPLICATION REQUIREMENTS AND TO GOVERN LICENSE RENEWAL AND REVOCATION.

HOUSE BILL NO. 42
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE BOARD OF OPTOMETRY; AMENDING SECTION 54-1507, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT LICENSEES SHALL PAY FEES ANNUALLY AT THE TIME OF RENEWAL.

HOUSE BILL NO. 43
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE BOARD OF HEARING AID DEALERS AND FITTERS; AMENDING SECTION 54-2907, IDAHO CODE, TO REVISE EDUCATION REQUIREMENTS FOR LICENSE APPLICANTS.

HOUSE BILL NO. 44
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2303, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT ABSENT A LICENSE TO PRACTICE PSYCHOLOGY, TO REVISE TERMINOLOGY AND TO CLARIFY APPLICATION OF THE CHAPTER TO OTHER PROFESSIONS; AMENDING SECTIONS 54-2304, 54-2305 AND 54-2306, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING

SECTIONS 54-2312A AND 54-2314, IDAHO CODE, TO REVISE TERMINOLOGY.

HOUSE BILL NO. 45
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3405, IDAHO CODE, TO REMOVE A REFERENCE TO CONDITIONAL LICENSES; REPEALING SECTION 54-3405B, IDAHO CODE, APPLICABLE TO CONDITIONAL LICENSES; AMENDING SECTION 54-3405C, IDAHO CODE, TO REMOVE PROVISIONS PROVIDING FOR LICENSURE BASED UPON CERTAIN EDUCATION AND EXPERIENCE REQUIREMENTS AND TO REMOVE A REFERENCE TO CONDITIONAL LICENSES; AMENDING SECTION 54-3408, IDAHO CODE, TO REMOVE A REFERENCE TO CONDITIONAL LICENSES; AND AMENDING SECTION 54-3411, IDAHO CODE, TO PROVIDE FOR AN ADMINISTRATIVE FEE AND TO INCREASE THE MAXIMUM ANNUAL RENEWAL FEE.

HOUSE BILL NO. 46
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO TOBACCO MASTER SETTLEMENT AGREEMENT ACT; AMENDING SECTION 39-7802, IDAHO CODE, TO FURTHER DEFINE THE TERM "UNITS SOLD" AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 47
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO TOBACCO MASTER SETTLEMENT AGREEMENT COMPLEMENTARY ACT; AMENDING SECTION 39-8403, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY CONDITION CERTIFICATION OF A NONPARTICIPATING TOBACCO PRODUCT MANUFACTURER UPON OBTAINING FROM THE MANUFACTURER ITS CONSENT TO BE SUED IN IDAHO DISTRICT COURT FOR PURPOSES OF THE STATE OF IDAHO ENFORCING ANY PROVISIONS OF CHAPTER 78 OR 84, TITLE 39, IDAHO CODE, OR FOR THE STATE BRINGING A RELEASED CLAIM.

HOUSE BILL NO. 48
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MUNICIPAL RECORDS; REPEALING SECTIONS 50-907, 50-908, 50-909 AND 50-910, IDAHO CODE; AMENDING CHAPTER 9, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-907, IDAHO CODE, TO PROVIDE FOR CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS; AMENDING CHAPTER 9, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-908, IDAHO CODE, TO PROVIDE FOR DESIGNATION, POWERS AND RESPONSIBILITIES OF MUNICIPAL RECORDS MANAGEMENT OFFICERS AND

TO PROVIDE DUTIES OF CITY OFFICIALS CONCERNING MUNICIPAL RECORDS; AND AMENDING CHAPTER 9, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-909, IDAHO CODE, TO PROVIDE FOR RETENTION OF MUNICIPAL RECORDS USING PHOTOGRAPHIC AND DIGITAL MEDIA.

HOUSE BILL NO. 49
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO TORT CLAIMS; AMENDING SECTION 6-902, IDAHO CODE, TO REVISE THE DEFINITION OF "EMPLOYEE"; AND AMENDING SECTION 6-903, IDAHO CODE, TO PROVIDE THAT A GOVERNMENTAL ENTITY SHALL PROVIDE A DEFENSE AGAINST ANY CLAIMS BROUGHT AGAINST AN EMPLOYEE IN THE EMPLOYEE'S INDIVIDUAL CAPACITY AND TO PROVIDE FOR THE RIGHT TO A HEARING FOLLOWING THE DISMISSAL OF A CLAIM.

H 33, H 34, H 35, H 36, H 37, H 38, H 39, H 40, H 41, H 42, H 43, H 44, H 45, H 46, H 47, H 48, and H 49 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1025, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

S 1024, by Finance Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:30 a.m., Wednesday, January 26, 2005. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:49 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk